

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL SMITH, :
Plaintiff, : 1:14-cv-2080
: :
v. : Hon. John E. Jones III
: :
ANDREW KALE, :
Defendant. :

ORDER

September 23, 2015

NOW, THEREFORE, upon consideration of Defendant's motion (Doc. 23) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), and in accordance with the court's Memorandum of the same date, **IT IS HEREBY ORDERED**

THAT:

1. Defendant's motion (Doc. 23) is **GRANTED**. Plaintiff's complaint is **DISMISSED** in its entirety.
2. The Clerk of Court is further directed to **CLOSE** this case.
3. Any appeal from this order is deemed frivolous and not in good faith.
See 28 U.S.C. § 1915(a)(3).

s/ John E. Jones III
John E. Jones III
United States District Judge